



Arnold Schwarzenegger  
Governor

July 2, 2010  
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Ms. Pam Miller, Director  
Yolo County Department of Employment and Social Services  
25 North Cottonwood Street  
Woodland, CA 95695

Dear Ms. Miller:

AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA)  
SUMMER YOUTH PROGRAM  
FINAL MONITORING REPORT  
PROGRAM YEAR 2009

This is to inform you of the results of our review for Program Year (PY) 2009 monitoring review of the Yolo County Department of Employment and Social Services' (Yolo County DESS) ARRA Summer Youth Program (SYP). This review was conducted from July 20, 2009 through July 23, 2009. Our review consisted of interviews with your staff and a review of the following items: expenditures charged to the ARRA SYP, oversight of your subrecipients, and procurement transactions. In addition, we interviewed service provider staff, SYP participants, and worksite supervisors, and focused on the following areas of your ARRA SYP: eligibility determination, program operations, participant worksites, participant payroll processing, and oversight.

Our review was conducted under the authority of Section 667.410(b)(1), (2) & (3) of Title 20 of the Code of Federal Regulations (20 CFR). The purpose of this review was to determine the level of compliance by Yolo County DESS with applicable federal and state laws, regulations, policies, and directives related to the ARRA grant.

We collected the information for this report through interviews with representatives of the Yolo County DESS, service provider staff, ARRA SYP worksite supervisors, and ARRA SYP participants. In addition, this report includes the results of our review of sampled case files, Yolo County DESS' response to Sections I and II of the ARRA SYP On-Site Monitoring Guide, and a review of applicable policies and procedures for PY 2009.

All findings that we identified in this report were resolved and we did not receive a response from Yolo County DESS. Therefore, we are issuing this report as the final report.

## **BACKGROUND**

The Yolo County DESS allocated all of its \$1,184,767 ARRA youth allocation to serve 225 summer youth program participants in 2009. As of October 20, 2009, Yolo County DESS expended \$700,352 to serve 153 summer youth program participants.

## **ARRA SYP REVIEW RESULTS**

While we conclude that, overall, the Yolo County DESS is meeting applicable ARRA requirements, we noted instance of noncompliance in the following areas: timesheets, administration, workplace safety and supervision, prohibited activities. The findings that we identified in these areas and Yolo County DESS' resolution of the findings are specified below.

### **FINDING 1**

**Requirement:**

29 CFR 97.20(a) states, in part, that fiscal control and accounting procedures of subgrantees must be sufficient to permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes. Section (b)(2) states, in part, that subgrantees must maintain records which adequately identify the source and application of funds for financially-assisted activities. Section (b)(6) requires that accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records.

**Observation:**

We observed that timesheets do not adequately identify time worked due to insufficient documentation of time charges for work experience activities. Specifically, of the three ARRA SYP case files reviewed for Yolo County DESS' youth service provider, Rural Innovations in Social Economics (RISE), we observed three instances of unsigned edits on participant timesheets. Subsequent to the on-site review, Yolo County DESS provided revised timesheets for the three participant timesheets which showed that the edits had been initialed by a supervisor. In addition, Yolo County DESS informed RISE of the requirement to initial any edits to timesheets.

We consider this issue resolved.

**FINDING 2****Requirement:**

20 CFR 661.120(a) states, in part, that local areas should establish policies, interpretations, guidelines, and definitions to implement provisions of title I of WIA to the extent that these are not inconsistent with the Act, the regulations issued under the Act, or with State policies.

20 CFR 667.410(a) states, in part, that each grant recipient must conduct regular oversight and monitoring of its WIA activities in order to determine whether or not there is compliance with provisions of the Act and the WIA regulations and other applicable laws and regulations.

The United States Department of Labor, Employment and Training Administration, Training and Assistance Guidance Letter (TEGL) No. 1408 states, in part, that the laws and regulations for WIA Youth funds apply to the Recovery Act funds.

Yolo County DESS' Policy and Procedure Bulletin No. 03-1 (revision date August 1, 2004), *Work Experience, Community Service and Internship Placements*, states, in part, that staff will use these procedures for completing placements in Work Experience (WEX) activities. In addition to developing a training worksite for the participant and completing the contracts, the WEX Coordinator provides support and problem solving services to the participant and the Worksite Supervisor and monitors WEX placements through site visits and contact with the participant and the Worksite Supervisor.

Yolo County DESS' *Agreement for Work Experience Training (Agreement)* is the contract used to define terms, activities, and other provisions for services between Yolo County DESS and the Worksite. Section 4(c) of this *Agreement* states, in part, that the Worksite agrees to immediately report to County any injury a Trainee sustained while under the supervision of the Worksite. Section 4(d) of this *Agreement* states, in part, that the County agrees to provide orientation to Worksite staff as to policies and procedures for WEX, including supervisory responsibilities.

Yolo County DESS' WIA Work Experience Worksite Supervisor's Handbook states, in part, regardless of the

nature and type of on-the-job injury or accident requiring medical attention, the worksite supervisor must contact an Employment Specialist at Yolo County DESS within 24 hours to expedite filing necessary insurance forms.

**Observation:**

We observed that Yolo County DESS did not follow its own policies and procedures that were in place for notification to the proper Yolo County DESS authorities in the event of an emergency or participant injury at one of the six worksite visits conducted.

Specifically, a 17 year old participant was injured at a worksite and, although medical treatment was received promptly, the worksite supervisor was not able to report this incident to officials at Yolo County DESS in a timely manner. The worksite supervisor, during an on-site interview, indicated that he attempted to contact the Yolo County DESS case manager responsible for placing the participant at his agency several times immediately after the incident and was only able to leave voice messages. He stated that he was not given any alternate contact numbers. Our visit occurred two days after the injury and, according to the worksite supervisor, these voice messages had not yet been returned. As such, officials from Yolo County DESS did not respond to this situation, either by contacting the supervisor or by contacting the participant or his parent, in a timely manner. We notified Yolo County DESS of this situation before leaving the worksite.

Upon being notified of our concerns at this site, Yolo County DESS took immediate action by contacting the worksite supervisor and the participant's parent that same day. Subsequent to our review, Yolo County DESS submitted documentation, "Special Risk Accident and Sickness Claim Form," substantiating that they had been notified of the injury listed above. This form was dated by a Yolo County DESS official two days after the injury occurred and included a parent notification signature.

In addition, Yolo County DESS submitted documentation that they instituted a new Work Experience Policy, effective immediately. This policy consisted of supplying each worksite supervisor with a "Work Experience Program Supervisor Information" Memo which listed the administrative and program locations, participant emergency contact information, case manager, backup case manager, and WIA supervisor

contact information. In addition, when this Memo was distributed, they provided copies of the worksite agreement (which included allowed and prohibited activities), training plan, monthly worksite evaluation, work permit (for youth under 18 years old), time cards, participant payroll schedule, and medical release form in order to ensure timely reporting, participant safety, and adequate supervision.

We consider this issue resolved.

### **FINDING 3**

**Requirement:** California Labor Code Section 6400(a) states, in part, that every employer shall furnish employment and a place of employment that is safe and healthful for the employees therein. Section 6401 states, in part, that every employer shall furnish and use safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe and healthful. Every employer shall do every other thing reasonably necessary to protect the life, safety, and health of employees.

California Labor Code Section 6402 states, in part, that no employer shall require or permit any employee to go or be in any employment or place of employment which is not safe and healthful.

TEGL No. 1408 states, in part, that local areas must adhere to current workplace safety guidelines and applicable federal/state wage laws. Further, it states that it is critical that local areas ensure proper worksite supervision in cooperation with both worksite supervisors and program monitors.

**Observation:** We observed that participant safety and proper worksite supervision could not be ensured at one of the six worksite visits conducted. Specifically, we observed three youth participants, one of which was 16 years old, engaging in landscaping functions on the side of a freeway without any adult supervision or lead worker in charge. We were told by the city employee, who was escorting us to conduct our worksite visit and supervisor interview at a park approximately one mile away, that the participants at the freeway site had been working there since the beginning of their shift that morning.

The youth were pulled from the unsupervised site and the worksite supervisor indicated during the interview that he often had to split his work crew, consisting entirely of ARRA youth participants, into two groups in order to comply with work order requests that came in every morning. If the youth were assigned to another crew, they would then be supervised by another regular employee acting as an alternate supervisor. If the youth were split into two groups, he was only able to supervise one group at a time.

Subsequent to our on-site review, Yolo County DESS submitted documentation gathered from their subrecipient, RISE, who had contracted the work experience placement at the second worksite mentioned above. This documentation included a policy change from RISE which included immediate on-site visits to each of their worksites to instruct worksite supervisors, alternate supervisors, and other worksite staff, of the requirements contained in the specific worksite agreements (which included allowed and prohibited activities), and emergency contact information for the participants. These instructions included the immediate requirement that all youth participants would be adequately supervised and would not be allowed to work unsupervised at any location, including on the side of any freeways. RISE indicated that they would conduct surveillance and monitoring of the worksites throughout the remainder of the contracts in order to ensure participant safety and supervision.

We consider this issue resolved.

#### **FINDING 4**

##### **Requirement:**

29 CFR 570.52 states, in part, that the occupations of motor-vehicle driver on any public road are particularly hazardous for the employment of minors between 16 and 18 years of age. The term motor vehicle shall mean, in part, any automobile, truck, truck-tractor, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation. The term driver shall mean any individual who, in the course of employment, drives a motor vehicle at any time.

29 CFR 570.59 states, in part, that occupations in excavation operations are particularly hazardous for the employment of persons between 16 and 18 years of age. These include

excavating, working in, or backfilling (refilling) trenches, except manually excavating or manually backfilling trenches or working in trenches that do not exceed four feet in depth at any point.

29 CFR 570.59 states, in part, that occupations of operator of or helper on power-driven metal forming, punching, and shearing machines are particularly hazardous for the employment of minors between 16 and 18 years of age. The term operator shall mean, in part, a person who operates a machine covered by this section by performing such functions as starting or stopping the machine or any other functions directly involved in operation of the machine. The term helper shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine. The term forming, punching, and shearing machines shall mean, in part, power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts.

California Child Labor Laws (2000), in part, restrict and prohibit certain occupations that minors may engage in. Specifically, minors under 18 years old may not be employed or permitted to work in occupations declared hazardous in federal regulation and adopted by inclusion by the state of California. These occupations include operation of motor-vehicle driver, occupations in excavation operations, and operation of power-driven metal forming, punching, and shearing machines.

**Observation:**

We observed that participants at two of the six worksites we visited were engaged in prohibited occupations. Specifically, a worksite supervisor and two 17-year-old participants stated in on-site interviews that they operated a riding lawn mower and drove an all-terrain vehicle on the worksite.

At this same worksite, the worksite supervisor stated that the two 17-year old participants backfilled trenches that exceeded four feet in depth.

In another location, a worksite supervisor and two 17-year-old participants stated in on-site interviews that they helped to operate the *Jaws of Life*, a hydraulic rescue tool used by

emergency rescue personnel to assist vehicle extrication of crash victims.

Subsequent to our review, Yolo County DESS submitted documentation, listed above, to ensure that no ARRA participants, regardless of age would engage in prohibited occupations.

In addition, Yolo County DESS also made an immediate on-site visit to the first worksite listed above to instruct the worksite supervisor that, effective immediately, no ARRA participants would engage in prohibited activities.


Lastly, Yolo County DESS has incorporated a policy change which includes specific wording to ensure that future Work Experience agreements will be revised to include the list of restricted or prohibited occupations for youth under 18 years old who are placed at any worksite.

We consider this issue resolved.

Because the methodology for our monitoring review included sample testing, this report is not a comprehensive assessment of all the areas included in our review. It is the Yolo County DESS' responsibility to ensure that its systems, programs, and related activities comply with the ARRA grant program, Federal and State regulations, and applicable State directives. Therefore, any deficiencies identified in subsequent reviews, such as an audit, would remain Yolo County DESS' responsibility.

Please extend our appreciation to your staff for their cooperation and assistance during our review. If you have any questions regarding this report or the review that was conducted, please contact Mrs. Jennifer Shane at (916) 654-1292.

Sincerely,



JESSIE MAR, Chief  
Compliance Monitoring Section  
Compliance Review Office

cc: Greg Gibson, MIC 50  
Jose Luis Marquez, MIC 50  
Daniel Patterson, MIC 45  
Gabriel Garcia, MIC 50